



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 16, 1998

Captain Robert Taylor
Amarillo Police Department
200 E 3rd
Amarillo, Texas 79101-1514

OR98-2713

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (the "act"). Your request was assigned ID# 119738.

The Amarillo Police Department (the "department") received a request for the names and addresses of the individuals involved in case number 97-78712 and 97-78695. You claim that the requested information from incident report number 97-78695 is excepted from disclosure under section 552.108(a)(2) of the Government Code as information related to an investigation that did not result in conviction or deferred adjudication. You claim that the requested information from incident report number 97-78712 is excepted from disclosure under section 552.108(a)(1) because release of the information would interfere with the prosecution of crime. We have considered the exceptions you claim and reviewed the submitted information.


Because you have informed us that the records at issue pertain to a pending criminal investigation or to an investigation that did not result in conviction or deferred adjudication, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release this type of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). In that case, the court of appeals held that the public had a right to the information usually contained on the front page of an offense report: the

offense committed, location of the crime, identification and description of the complainant, the premises involved, the time of the occurrence, property involved, vehicles involved, description of the weather, a detailed description of the offense in question and the names of the investigating officers. We have enclosed a summary of the types of information that may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS/nc

Ref.: ID# 119738

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Lillian Foster
Claim Specialist
State Farm Insurance Companies
P.O. Box 799019
Dallas, Texas 75379-9019
(w/ summary of Open Records Letter No. 127 (1976))